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IS BERNARD WILLIAMS' DISTANCE RELATIVISM REALLY DEFEATED BY HEIDI HURD'S ATTACK ON PERSPECTIVALISM?*

*¿ES EL RELATIVISMO DE LA DISTANCIA DE BERNARD WILLIAMS
REALMENTE DERROTADO POR EL ATAQUE DE HEIDI HURD
AL PERSPECTIVALISMO?*

Ronaldo PORTO MACEDO JUNIOR**

Resumen:

El punto abordado en este comentario es sólo uno de los muchos temas posibles que podrían ser discutidos. Sin embargo, creo que es un punto serio que concierne a una de las premisas clave del argumento general de Hurd. Mi objetivo es discutir la refutación que hace Hurd a la defensa de Bernard Williams del llamado relativismo de la valoración o relativismo de la distancia. Aunque este tema ocupa sólo cinco páginas en todo el libro, creo que es central para la argumentación general contra el relativismo moral, que es un pilar fundamental de la tesis principal del texto. En primer lugar, presentaré el tema central de la obra y cómo está estructurada. Luego mostraré cómo la refutación del relativismo moral es un punto clave para la tesis principal del libro. Más adelante presentaré el argumento de Williams, y sus llamados defectos principales, según Hurd. Finalmente, examinaré el ataque de Hurd al relativismo de valoración y el fracaso de Hurd en refutar las afirmaciones de Williams.

Palabras clave:

Relativismo moral; relativismo de distancia; combate moral; juicios éticos; moralidad.

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Abstract:

The point addressed in this comment is just one among the many possible subjects that could be discussed. However, I believe it is a serious point concerning one of the key premises of Hurd's general argument. My aim is to discuss Hurd's refutation of Bernard Williams defense of the so-called appraisal relativism or relativism of distance. Even though this topic occupies only five pages in the whole book, I think it is central for the general argument against moral relativism which is a core pillar of the main thesis of the book. I will first present the central theme of the book and how it is structured. I will then show how the refutation of moral relativism is a key point for the major thesis of the book. Further I will present Williams argument, according to Hurd and its so-called major flaws. Finally, I will scrutinize Hurd's attack on appraisal relativism and Hurd's failure to refute Williams claims.

Keywords

Moral Relativism; Relativism of Distance; Moral Combat; Ethical Judgements; Morality.

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SUMMARY: I. *Introduction*. II. *Williams's Argument According to Heidi Hurd*. III. *Williams' Account on Appraisal Relativism or Relativism of Distance*. IV. *Conclusion*. V. *References*.

I. INTRODUCTION

Professor Heidi Hurd's *Moral Combat*¹ is definitely a great book. It is great on its ambitions, clarity and philosophical outcomes. The philosophical breadth of the analysis and the broad and comprehensive agenda of related themes in Moral, Political Philosophy and legal theory that professor Hurd addresses in this inspired book makes it a fantastic opportunity and useful tool both for philosophical education and for the analysis of one of the most urgent and pressing dilemmas of lawyers and legal philosophers.

Moral Combat is an example of how philosophy book should be written, especially those that carry the ambition to start a genuine conversation with legal philosophers and jurists, for its careful effort to be clear and friendly to the reader's effort to follow the arguments. Hurd saves the reader's energy to follow and understand her major and novel arguments, instead of imposing unnecessary hurdle on them in trying to find the thrust (a central thread) of the argument all the time. Hurd is always offering some help to readers in order to avoid them to be lost in the amazon forest of philosophical arguments.

The point I would like to address in this comment is just one among the many possible subjects that could be discussed. It is certainly not the most obviously connected with the legal practice problems. However, I believe it is a serious point concerning one of the key premises of Hurd's general argument. My aim is to discuss Hurd's refutation of Bernard Williams defense of the so-called *appraisal relativism* or *relativism of distance*. Even though this topic occupies only five pages in the whole book (from page 49 to page 54), I

¹ Heidi Hurd, *Moral Combat: The Dilemma of Legal Perspectivalism* (Cambridge 1999).

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think it is central for the general argument against moral relativism which is a core pillar of the main thesis of the book. In order to understand the relevance of this point, I will first present the central theme of the book and how it is structured. I will then show how the refutation of moral relativism is a key point for the major thesis of the book. Further I will present Williams' argument, according to Hurd and its so-called major flaws. Finally, I will scrutinize Hurd's attack on Williams appraisal relativism and the strength of her arguments against it.

Hurd's homage to clarity starts from the very beginning of the book, in which she summarizes its ambitions and goals. According to Hurd, morality traditionally has been concerned with the consistency between what we must morally do and what we can do. This tension is explicit when we are commanded to act in a way that we supposedly should be barred to do. The classic example is expressed in the view that we may be both categorically obligated not to kill and categorically obligated to kill in self-defense.

It is noticeable that Heidi uses the word *morality* instead of the morals. Such concept is at the center of Bernard Williams' criticisms in many of his books². As she points out:

My worry in this book is not that morality may issue contradictory injunctions or confront us with intrapersonal conflicts. *My worry is that morality may require interpersonal combat*. It may make one person's moral success turn on another's moral failure. Persons may be morally obligated to prevent others from satisfying their moral obligations and morally compelled to punish others for doing precisely what they should have done.³

Thus, the concern that morality may be gladiatorial derives from the very common presupposition that "those who take on certain

² Bernard Williams, *Ethics and the limits of philosophy* (Harvard University Press 1985) and Bernard Williams, *Morality: An Introduction to Ethics* (Cambridge 1993).

³ Hurd, *Moral Combat*, *supra* note 1, Preface, page XI. For example, personal roles, such as the role of a parent or a spouse, are often defined in terms of special obligations that are owed to those who are near and dear. And it is commonly believed that professional roles give rise to similarly unique obligations.

roles within our society simultaneously take on unique obligations - obligations that do not burden those outside such roles".⁴

This situation leads to the unavoidable conclusion that if the role of la judge is defined by a special obligation to protect the rule of law, as is commonly supposed, and if the role of a legal system designer is defined by a unique obligation to preserve democracy and the separation of powers, then we must believe that morality is perspectival. In this case, "moral obligations vary from one role to another, so we must check which hat we are wearing to discover the duties that bind us".⁵

This conclusion is connected to a jurisprudential dilemma, since on one hand, a role-relative commitment to the rule of law may compel judges to punish citizens who (free of judicial constraints) justifiably violate the law. On the other hand, "a role-relative duty to preserve democracy and the separation of powers may compel system designers to criticize, discipline, or impeach judges who act justifiably in acquitting citizens who violate the law without a legal justification or excuse".⁶ The dilemma is unavoidable since if our institutional values are role-relative, as Hurd puts it, then our most fundamental jurisprudential commitments are in conflict.

The answers to this challenge can be found in two alternatives. Either we must countenance the punishment of the justified or we must abandon the common presumption that legal officials are uniquely bound to follow the law out of deference to the rule of law and democracy. None of them is fully satisfactory since the first one admits that actors are forced to confront others in a moral combat, and the second jeopardizes jurisprudential commitments to rule of law and separation of powers.

Hurd deals with this challenge tracing the dilemma of legal perspectivalism to three theses. First, the content of law does not perfectly mirror the content of morality; second, the content of morality is not relative to the beliefs of individuals and communities; and third, the law does not compel our obedience. She

⁴ Ibid at XI.

⁵ Ibid.

⁶ Ibid.

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argues that, if any of these theses is false, then the dilemma dissipates: Either there are no instances of justified disobedience or it is morally unproblematic to punish such disobedience.

Hurd characterizes the dilemma of legal perspectivalism saying that it is generated by the apparent incompatibility of three principles. The first is the *principle of weak retributivism*, which holds that individuals who are morally justified in their actions ought not to be blamed or punished for those actions. The second is the *principle of the rule of law*. It requires law to conform to a set of formal values, such as generality and coherence, as a means of protecting substantive moral values like liberty and equality. The third is the *principle of democracy* and the separation of powers, which “vindicates the right of majorities to be self-governing by assigning policy-making powers to a democratic legislature and restricting the executive and judiciary to the secondary tasks of policy implementation and application”.⁷ If they are genuinely incompatible, one or more of them must be abandoned in order to keep our faith in these basic features of the legal system.

After presenting the challenge, Hurd moves towards testing the alternatives that could avoid the dilemma. The first alternative she explores is the perspectivalism⁸. This preliminary point leads her to another stage in which she focuses on moral relativism and Bernard Williams’ version of it.

Before tackling it, though, the argument stresses that the dilemma of legal perspectivalism would not arise if one of three things were

⁷ Ibid at 1.

⁸ Hurd quotes Rex Zedalis, who describes the perspectivist thesis as follows: “Decisions taken in full exercise of personal responsibility and individual accountability can lead to varying assessments regarding whether the values they promote order society’s affairs so as to advance the human condition. Higher authority may view the situation entirely differently from nonlegislative decision-makers involved in the initial assessment of the appropriateness of a specific actor’s behavior”. Hurd, *Moral Combat*, *supra* note 1 at note 17, at 15-16 (quoting Rex Zedalis, “On First Considering Whether Law Binds” (1993) 68 Indiana Law Journal 208). As she continues: “If institutional roles create new reasons for action (or eliminate otherwise valid reasons for action), the correspondence thesis is false and morality may compel the punishment of the justified”. Hurd, *Moral Combat*, *supra* note 1, 15-16.

true. First, if the *content of the law perfectly mirrored the content of morality*, “so that citizens and officials were never called upon by law to do anything contrary to the balance of moral reasons for action, then citizens and officials would never be justified in violating the law”.⁹ The dilemma of legal perspectivalism is a real dilemma only if law and morality are noncongruent. Second, if *metaethical relativism were true, the correspondence thesis would be trivially false*. “The truth of moral propositions would be relative to the beliefs of individuals (in the case of metaethical subjectivism) or to the beliefs of communities (in the case of metaethical conventionalism)”.¹⁰ The puzzle generated by the incompatibility of our institutional commitments is therefore significant only if metaethical relativism is false. Finally, *if the law provided reasons for unconditional obedience, then even if it did not perfectly mirror morality*, it would nevertheless preclude justified disobedience by citizens.

I want to focus only on the second argument. According to it, the first presupposition of the dilemma of legal perspectivalism is that moral relativism is an indefensible account of the nature of morals. (Were it otherwise, the correspondence thesis would be false, and the dilemma that structures the book would be illusory).

This is so since the correspondence thesis asserts that the justifiability of an action determines the justifiability of permitting or preventing that action. This thesis rests on the assumptions that: 1. the reasons for action that determine the morality of conduct are objective, in the sense that their right-making characteristics are universal. (If it is right for an actor to do an act, it must be right for all others that she do it) and, 2. that, “where other persons face a choice between alternative actions that will or will not thwart the actor’s course of conduct, the rightness of the actor’s conduct entails the wrongness of any actions that will thwart it”.¹¹ Assuming this, she states that if relativism is right, then the first claim upon which the defense of the correspondence thesis rests must be false, and the dilemma of legal perspectivalism must be without bite.

⁹ Ibid 16.

¹⁰ Ibid 27.

¹¹ Ibid 16.

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It is important the stress two features of Hurd's argument. The first one is linked to the idea that *morality* is objective because it is *universal*. The second one is the exclusiveness involved in the *decision* about what is right or wrong. And here comes her critique to Williams. The correspondence thesis is one of the axis of what Bernard Williams characterizes as the system of *Morality*, a very specific and historically determined way of thinking about ethical judgement. That basically depends on the kind of relativism we have in mind. The puzzle concerning the moral combat above is thus a genuine dilemma only if moral relativism is false. This is why Hurd engages in the project to show that moral relativism is false.

Hurd's argument against moral relativism is general. However, I will only address Williams' account, which I believe is the most challenging to Hurd's major argument.

II. WILLIAMS'S ARGUMENT ACCORDING TO HEIDI HURD

Bernard Williams has bred a strand of relativism that he calls both "appraisal relativism" and "the relativism of distance". It is important to notice that, unlike traditional relativism, which evaluates the morality of actions relative to some set of moral conventions, Williams's appraisal relativism evaluates appraisals of moral conventions.

According to Hurd, it is thus a third-order thesis about the second-order practice of appraising moral agreements. According to Williams, the second-order practice of evaluating some set of conventions is relative to various conditions, such as the nature of one's own moral code and one's own concerns or preferences.

Appraisals of moral conventions can occur, Williams argues, only if two conditions are met: I. there are two or more self-contained systems of belief (SI and S2); and II. these systems of belief are exclusive. In what Williams deems the most straightforward case, SI and S2 have conflicting consequences: When asked some yes/no question, persons holding SI will answer "yes" while persons holding S2 will say "no". For example, two groups would be said to hold conflicting

systems of beliefs if in answer to the question “Is abortion moral?” one group says “yes” while the other says “no”.¹²

When the exclusivity of two self-contained systems results in what Williams calls “*real confrontation*”, there is “a group at that time for whom each of S1 and S2 is a real option; this includes, but is not confined to, the case of a group which already holds S1 or S2, for whom the question is whether to go over to the other S”.

Contrasted with real confrontation there is *notional confrontation*, which “resembles real confrontation in that there are persons who are aware of S1 and S2, and aware of their differences” but differs from real confrontation “in that at least one of S1 and S2 do not present a real option to them”.¹³

For a system of beliefs, S2, to be a “real option” for some group holding S1, two conditions must be met. 1. First, it must be possible for members of the group to assent to S2—to fully accept it or live within it— while still retaining “their hold on reality”. 2. Second, it must be possible for the group to rationally justify adopting or going over to S2.¹⁴

According to Williams’ pragmatic interpretation of the doctrine “relativism with regard to a given type of S, is the view that for one whose S stands in purely notional confrontation with such an S, questions of appraisal do not genuinely arise”. The only legitimate appraisals are appraisals of real options. To stand in merely notional confrontation is to lack the relation to our concerns which alone gives any point or substance to appraisal...”.¹⁵ As Williams concludes, only real options can be judged, because “the more remote a given S is from being a real option for us, the less substantial seems the question of whether it is ‘true,’ ‘right,’ etc.”.¹⁶

¹² Bernard Williams, “The Truth in Relativism” (1974) 75 Proceedings of the Aristotelian Society 215-228, republished in *Moral Luck: Philosophical Papers 1973-1980* (Cambridge 1982) 180.

¹³ Williams, “The Truth in Relativism” at 180.

¹⁴ Ibid 181.

¹⁵ Ibid 183.

¹⁶ Ibid.

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Williams claims to avoid the regress and reductio that semantic and presuppositional relativism invite, because he explicitly eschews any attempt to relativize the vocabulary of appraisal so as to declare options merely “true for us” or “true for them”. *As he says*, “we must have a form of thought not relativized to our own existing S for thinking about other Ss which may be of concern to us, and to express those concerns...”¹⁷

Hurd, however, points three major problems in Williams account. I. Williams’ conception of what constitutes a real option that is eligible for appraisal is flawed; II. Williams’s incapacity to explain how could there ever be two conflicting systems leading to opposite consequences that are equally real options for some group and; III. by limiting ethical judgments to real options, he limits the scope of our evaluations of other ethical systems to those systems we could adopt. That’s what the article will address in following pages.

1. *Williams’ Conception of what Constitutes a Real Option that is Eligible for Appraisal is Flawed*

The first problem derives from his conception of what constitutes a *real option* that is eligible for appraisal. For a system of beliefs, S2, implying consequences opposite from those of S1 to be a real option for persons holding S1, it must be the case that persons holding S1 can “go over” to S2 without losing their “hold on reality”.

The point here is the ambiguity concerning the concept of *reality*. Since, “if reality is relative to one’s system of beliefs, then “going over” to a system of beliefs that implies consequences opposite to one’s own must surely be the very definition of “losing one’s hold on reality”.¹⁸ If, on the other hand, reality is objective, then “one of two sets of conflicting beliefs must not be a real option for anyone, because, if both were real options, this would entail that beliefs could be simultaneously true and false, right and wrong, and acceptable and unacceptable”.¹⁹

¹⁷ Hurd, *Moral Combat*, *supra* note 1 at 44.

¹⁸ *Ibid* 50.

¹⁹ *Ibid*.

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For this reason, she concludes that Williams must have in mind a notion of reality that reflects psychological rather than metaphysical commitments. In other words, a real option must represent a system of beliefs which is sufficiently close to our own that a conversion to it does not jeopardize our ability to conduct ourselves normally. However, Hurd points out that there is a difficulty here. How would we find a system of beliefs that is “close enough” to allow for nondisruptive conversion and yet so different that it renders answers to moral questions that are completely contradictory to our own?

Furthermore, the very concept of relational would be also problematic in Williams' view. If rationality is relative to a system of beliefs, then how could conversion to a system implying consequences opposite to those implied by one's own beliefs be rational? Alternatively, “if rationality, on one hand, is something *objective*, then, this implies that there are right answers to moral questions such that one of two groups giving conflicting answers to a moral question must be wrong”.²⁰ It is important to notice the concept of objectivity that lies behind this Hurd's statement. On the other hand, “if Williams rejects this latter construction, and thereby rejects the notion that there exists some means of evaluating the rationality of ends, then he commits himself to the position that only internal criticism of a system of beliefs is possible”.²¹

But here comes the argument's flaw. Since “if this is the case, then we could not appraise a system of beliefs as superior to our own (except to the extent that we may consider it more consistent than our own) and could not, on that basis, demonstrate that converting to it is rational”.²² As a conclusion, for Hurd, Williams has no clear idea of what it would mean for a conflicting system of beliefs to be a real option.

²⁰ Ibid.

²¹ Ibid 51.

²² Ibid.

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2. Williams' Incapacity to Explain how Two Conflicting Systems Could there ever Be Leading to Opposite Consequences that Are Equally Real Options for Some Group

The second problem that Williams' theory engenders, according to Hurd, results from his refusal to relativize the semantics of moral discourse. However, "if the language of appraisal is not relative to a system of beliefs (such that a practice can be "right" under one system and "wrong" under another), how could there ever be two conflicting systems leading to opposite consequences that are equally real options for some group?²³ Furthermore, how could the word "right" mean the same thing when applied to conflicting practices?

If under S1 all answer "no" to the question "Is abortion moral?", they are committed to thinking that abortion is immoral. And if under S2 all answer "yes" to the question "Is abortion moral?", they are all committed to thinking that abortion is moral.

Hurd correctly acknowledges that Williams would answer to her charge by invoking his conception of ethical truth, which equates ethical truth with that determinate set of ethical conclusions that "a range of investigators could rationally, reasonably, and unconstrainedly come to converge on..."²⁴

He insists that convergence on moral truth will require the abilities that are employed "in finding our way around in a social world, and this, crucially, means in some social world or other, since it is certain both that human beings cannot live without a culture and that there are many different cultures in which they can live, differing in their local concepts". Ethical beliefs are thus true, in Williams' view, only "in the oblique sense that they are the beliefs that would help us to find our way around in a social world..."²⁵

For Williams, the reflection is important for the ethical attitude. However it is not the only dimension of it, which involves affections, sentiments and the also the reflection on them. Here again Hurd points to two new problems. The first one concerns the fact that

²³ Ibid.

²⁴ Ibid 51.

²⁵ Ibid.

“any set of beliefs that rational, reasonable, and unconstrained investigators would fail to converge on as demonstrative of the best means of getting around in a particular society would not be, for those investigators, a real option”.²⁶

Here, two new flawed options are open to Williams: “If Williams were to allow external investigators to evaluate or appraise a set of beliefs to determine its “truth” or “falsity” when that set of beliefs is not for them a real option, he would have to abandon his central claim that appraisals are inappropriate where ethical views are in notional confrontation”.²⁷ However, “if ‘false’ beliefs are, necessarily, not real options, and are thereby insulated from evaluation, how are they to be judged false?”.

It is important to notice that the insulation of the different set of practices and beliefs is not absolute. The standards function as Wittgenstein’s famous thread metaphor: a tread made of many different fibers, intertwined, and setting patterns of family resemblances among them.²⁸

The second problem is that Williams cannot make the argument that two individuals who employ the same evaluative term in contradictory ways may both be right if, in so doing, they reflect the best available method for living with others in their particular societies.

²⁶ Ibid.

²⁷ Ibid.

²⁸ L Wittgenstein, *Philosophical Investigations*, 4th Edn (Wiley-Blackwell 2009) paragraph 67. “I can think of no better expression to characterize these similarities than “family resemblances”; for the various resemblances between members of a family: build, features, colour of eyes, gait, temperament, etc. etc. overlap and criss-cross in the same way. —And I shall say: ‘games’ form a family. And for instance the kinds of number form a family in the same way. Why do we call something a “number”? Well, perhaps because it has a —direct— relationship with several things that have hitherto been called number; and this can be said to give it an indirect relationship to other things we call the same name. And we extend our concept of number as in spinning a thread we twist fibre on fibre. And the strength of the thread does not reside in the fact that someone fibre runs through its whole length, but in the overlapping of many fibres. But if someone wished to say: “There is something common to all these constructions —namely the disjunction of all their common properties”— I should reply: Now you are only playing with words. One might as well say: “Something runs through the whole thread —namely the continuous overlapping of those fibres”.

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However, according to Williams these problems would only make sense if understood internally in a system that he technically describes as *morality*.²⁹ For him, there surely are cases where we find ourselves under ethical demands which conflict. These conflicts are not always eliminable in the way that the morality system requires them always to be —by arguments leading to the conclusion that one of the oughts was only *prima facie* eliminable from our moral accounting.

However, he argues, “it is surely falsifying of moral thought to represent its logic as demanding that in a conflict... one of the conflicting oughts must be totally rejected on the grounds that it did not actually apply”.³⁰

²⁹ Williams describes it in *Morality*, *supra* note 2, and also in *Ethics and the limits of philosophy*, *supra* note 2 (ELP). The major features are the following: First, the morality system is essentially practical: my moral obligations are always things that I can do, so that “if my deliberation issues in something that I cannot do, then I must deliberate again” (ELP: 175). This implies, second, that moral obligations cannot (really) conflict (ELP: 176). Third, the system includes a pressure towards generalization which Williams calls “the *obligation out-obligation* in principle”: this is the view that every particular moral obligation needs the logical backing of a general moral obligation, of which it is to be explained as an instance. Fourth, “moral obligation is inescapable” (ELP: 177): “the fact that a given agent would prefer not to be in [the morality] system will not excuse him”, because moral considerations are, in some sense like the senses sharpened up by Kant and by Hare, *overriding* considerations. In any deliberative contest between a moral obligation and some other consideration, the moral obligation will always win out, according to the morality system. The only thing that *can* trump an obligation is another obligation (ELP: 180); this is a fifth thesis of the morality system, and it creates pressure towards a *sixth*, that as many as possible of the considerations that we find practically important should be represented as moral obligations, and that considerations that cannot take the form of obligations cannot really be important after all (ELP: 179). Seventh, there is a view about the impossibility of “moral luck” that we might call, as Williams calls it, the “purity of morality” (ELP: 195–6): “morality makes people think that, without its very special obligation, there is only inclination; without its utter voluntariness, there is only force; without its ultimately pure justice, there is no justice”; whereas “in truth”, Williams insists, “almost all worthwhile human life lies between the extremes that morality puts before us” (ELP: 194). Eighth, “blame is the characteristic reaction of the morality system” to a failure to meet one of its obligations (ELP: 177); and “blame of anyone is directed to the voluntary” (ELP: 178). Ninth, and finally, the morality system is impersonal.

³⁰ Bernard Williams, *Problems of the Self* (Cambridge 1973) 183 and 184.

3. *Williams Limits the Scope of Our Evaluations of Other Ethical Systems to Those Systems We Could Adopt by Limiting Ethical Judgments to Real Options*

Hurd sees a final and most damaging flaw in Williams' view, that is linked to the fact that by limiting ethical judgments to real options, he limits the scope of our evaluations of other ethical systems to those systems we could adopt. This is far from being a minor defect, since it is precisely over those systems that do not pose a real option for us that we most feel the need for criticism.

In so doing, she concludes that Williams' theory effectively bars our evaluation of practices when they become so different from our own that we could not adopt them. Besides, "His theory thus allows us to appraise only what we already generally approve. We are estopped, on this theory, from condemning those practices which we consider morally outrageous precisely because we consider them morally outrageous. It thus appears that Williams' pragmatic theory is both conceptually and morally indefensible".³¹

Is Heidi Hurd right in her three criticisms? This is what the article will address in following pages.

III. WILLIAMS' ACCOUNT ON APPRAISAL RELATIVISM OR RELATIVISM OF DISTANCE

In order to clarify some of the major problems in Hurd's criticism it is important to recapitulate the basic intentions of Williams's philosophical project and ambitions. The major arguments for refuting Hurd's criticisms can be found in two articles³² and his most important book *Ethics and the limits of philosophy*.³³

In *The Need to Be Sceptical*,³⁴ Williams points out to the fact that the system of morality contained a severe limitation for a sound un-

³¹ Hurd, *Moral Combat*, *supra* note 1, 52.

³² Bernard Williams, "The Need to Be Sceptical" in *Essays and Reviews: 1959-2002* (Princeton 2016) 311-318 and Williams, "The Truth in Relativism", *supra* note 12.

³³ Williams, *Ethics and the Limits of Philosophy*, *supra* note 2.

³⁴ Bernard Williams, "The Need to Be Sceptical", in *Essays and Reviews: 1959-2002* (Princeton 2016) 311-318.

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derstanding of the current language of morals. This kind of moral philosophy was fully developed in theories that assume some variant of *impartial observer* (Adam Smith) or a detached conception of rationality such as that found in Kantian or Benthamite traditions.

Once philosophy has acknowledged that our beliefs play an important role in our moral reflection, a new philosophical challenge has to be faced. As Williams puts it:

“Our”, this powerful little word, applied to our ethical beliefs, gives philosophy many of its problems. Who, relevantly, are “we”? Members of this society or community? Representatives of all humanity? Just some sentient creatures among others, whose concerns should be directed to all of them? Utilitarianism assumes the last answer.³⁵

The Scylla and Charybdis of moral philosophy lies in the tension between, on one hand, a view of moral thinking detached from emotions, which tries to ground a universal kind of argument about what is right or wrong (*The Immitatio Christi* ambition found in *Morality*),³⁶ and, on the other hand, a kind of view that takes the community, the particular social space to which one belongs, as the centre of one’s ethical experience.

For Williams there is a way out to this contrast between two views that is at the center of his criticisms of views such as Hurd’s (Of course, she knows it, but she does not accept it. At least not in the way she interprets Williams). Williams’ view is heavily influenced by the later work of Wittgenstein. As he explains:

Unlike some other critics of ethical theory, this view arrives at its opposition to it not in the first instance by reflection on ethical or social issues, but from considerations about *meaning*. This is one kind of moral philosophy that has continued to put at the front of its interests, as linguistic analysis did, questions about the meaning of ethical expressions and the ways in which we understand them, but its conclusions are the opposite of those typical of linguistic analysis. ...*It rejects any sharp distinction between fact and value*, and also any view which

³⁵ Ibid 313.

³⁶ Bernard Williams, “The Human Prejudice” in B Williams, *Philosophy as a Humanistic Discipline* (Princeton 2006) 135-52.

claims that values are merely attached to, read into, or projected on to a world that is in itself the inert subject of scientific inquiry... *The attack on the empiricist view takes from Wittgenstein a basic idea that all our understanding of language is a matter of children picking up practices, being inducted into a "form of life"; nowhere is it a matter of applying abstractly formulated rules. ...The use of ethical language, equally, depends on a shared form of life and the practices of a community within which we pick up the terms of our ethical experience.*³⁷

This conception shows the philosophical need to explain how the "we" functions.

The difficulty is to know, in the ethical case, who "we" are, whose practices and form of life are in question. When Wittgenstein spoke of mathematics resting, in the end, not on any absolute foundations, but only on how "we" go on, the "we" would seem naturally to embrace all those who share an understanding of mathematics. But "thick" ethical concepts are not typically shared by everyone; and the concepts belonging to other cultures that we (that is to say, we here) may come to understand, we by no means necessarily share with them.³⁸

Here the contrast between the classical universalism (Kantian or Hurdian version) and the classical relativism (conventionalist) is what is at stake and the possibility of overcoming them is what Williams is looking for. He continues: "If the 'we' to which the Wittgensteinian account speaks includes all humanity, then it still needs to explain how it is that some of us structure our ethical life with concepts that are unknown, strange or even repellent to others". He makes a clear claim against both universalism and the correspondent conception of moral objectivity. Besides

If, on the other hand, the "we" that is relevant is that of a real community, a set of people whose ethical language and practices have a genuine social identity, then this philosophy still has to tell us how we can pick up and understand the ethical concepts of others (as to some extent we clearly can) and yet reject those concepts. Equally it has to tell us how we can come to embrace new ethical concepts.³⁹

³⁷ Williams, *Essays and Reviews: 1959-2002*, *supra* note 34, 314 (emphasis mine).

³⁸ *Ibid* 314.

³⁹ *Ibid* 315.

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Here his claim targets the conventionalist relativism.

This is the stage in which moral relativism is located. It must face the challenge the of how moral relativism, if philosophically consistent, can avoid the moral combat as posed by Heidi Hurd.

According to Williams relativism can be a consequence of some kind of disagreement. "If we reflect on disagreements of a certain kind and come to the conclusion that they cannot be objectively settled, we may react by adopting some form of relativism".⁴⁰ It is clear that relativism is not peculiar to ethics, since it can also be found in many areas of philosophy of science. Thus, "Its aim is to take views, outlooks, or beliefs that apparently conflict and treat them in such a way that they do not conflict: each of them turns out to be acceptable in its own place. The problem is to find a way of doing this, in particular by finding for each belief or outlook something that will be its own place".⁴¹

Besides, relativism has an aim. It is not a mere descriptive tool. "The aim of relativism is to explain away a conflict, and this involves two tasks. It has to say why there is no conflict and also why it looked as if there were one (the disguise)".⁴² Williams criticizes common versions of relativism for being implausible. For example: *Strict relational relativism* performs the first task very crisply, by finding in the two statements a logical form that makes them straightforwardly compatible, so that there is no problem in accepting both.

A more fruitful kind of relativism is *Relational relativism* which introduces a clearly compatible structure and then has to say what disguised it. In this approach, "we should ask what happens if we start by conceding that two beliefs or outlooks do indeed conflict and are genuinely exclusive. The problem will then be to find a sense in which each may still be acceptable in its place".⁴³

For Williams, one idea that requires us to think in a broader way about relativism is *incommensurability*. Different scientific theories will not straightforwardly contradict one another. However, they do

⁴⁰ Williams, *Ethics and the Limits of Philosophy*, *supra* note 2, 136.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid* 157.

exclude one another. You cannot work within both of them. "This account of rival scientific theories makes them sound like two cultures or *forms of life*".⁴⁴

However, this situation leads to an important question about the relationship among different cultures to be answered. How is relativism possible if two cultures, or outlooks, or ways of life exclude one another? Not instantly, he would reply, since "someone who has certain dispositions and expectations as a member of one culture will often be unwilling, when confronted with an alternative way of life, to do what is done in the other culture".⁴⁵ Again it is relevant to remember that for Williams the relationships among these cultures and outlooks are very much like Wittgenstein's tread metaphor previously mentioned.

For this reason, "the dispositions and reactions that are exercised within one culture are not merely diverted or shown to be inappropriate by the fact that its members are presented with the behavior of another culture".⁴⁶ It is artificial to treat these matters as if they always involved two clearly self-contained cultures. The relationships among cultures, subcultures, fragments of cultures, constantly meet one another and exchange and modify practices and attitudes. Social practices could never come forward with a certificate saying that they belonged to a genuinely different culture, so that they were guaranteed immunity to alien judgments and reactions".⁴⁷

Thus, *instant relativism* is excluded. For similar reasons, *strict relational relativism* in ethics is excluded altogether since is implausible to suppose that ethical conceptions of right and wrong have a logically inherent relativity to a given society.⁴⁸ Neverthe-

⁴⁴ Ibid 158.

⁴⁵ Ibid, Williams gives the following example to point his claim. "Thus, members of a culture that does not admit human sacrifice encounter members of another that does. They conceptualize differently the ritual killings, but this does not mean that the first group, if horrified, are laboring under an anthropological misunderstanding. It is, as they might put it, a deliberate killing of a captive, which is enough for their ethically hostile sentiments to extend to it. (It does not follow that they have to blame anyone: that is another question)".

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

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less, this does not yet make all kinds of relativism implausible. The role played by reflection is a central feature to understand how relativism can be plausible. For Williams, the fact that people can and must react when they are confronted with another culture and do so by *applying their existing notions* —also by *reflecting on them*— seems to show that the ethical thought of a given culture can always stretch beyond its boundaries. It is important that this is a point about the content or aspirations of ethical thought, not about its objectivity.⁴⁹

This an important point about Hurd's reading of Williams. *Objectivity is not a requirement for moral thought (in general)*, even though it might be considered a central feature for the *system of morality*. However, even if objectivity does not imply a relativistic attitude, it is not irrelevant or unresponsive to it. In conclusion, for Williams it is a serious mistake to think that believing in a relativistic view requires you to be equally well disposed to everyone else's ethical beliefs.⁵⁰

In considering other alternatives to make sense of relativism, Williams acknowledges that if its possibility is evaluated by merely conceptual reasons, then it becomes impossible. However, we should rather ask how much room we can coherently find for such a thought.

The traditional approach TO this issue ASSUMES that there is one basic distinction, between the outlook of one group and the outlook of all others. According to it, "the relativist thinks that the judgments of one group apply just to that group, and the other party thinks that any group's judgments must apply to everybody".⁵¹ However, they are both wrong.

The point in Williams' relativism is that we must not simply draw a line between ourselves and others. We should rather, in a Wittgensteinian way, recognize that others are at varying distances from us. In other words, "we must also see that our reactions and relations to other groups are themselves part of our ethical life, and we should understand these reactions more realistically in

⁴⁹ Ibid 159.

⁵⁰ Ibid 160.

⁵¹ Ibid.

terms of the practices and sentiments that help to shape our life”.⁵² For this reason, some disagreements and divergences matter more than others and “above all, it matters whether the contrast of our outlook with another is one that makes a difference, whether a question has to be resolved about what life is going to be lived by one group or the other”.⁵³

Wittgenstein's tread metaphor is at play once again. These different relationships among these practices should to be analyzed as *family resemblances* rather than a rigid divide. This is why he introduces the distinction between *real* and *notional confrontations* already mentioned.⁵⁴

For Williams, “the idea of a ‘real option’ is largely, but not entirely, a social notion. An outlook is a real option for a group either if it already is their outlook or if they could go over to it; and they could go over to it if they could live inside it in their actual historical circumstances and retain their hold on reality, not engage in extensive self-deception, and so on”. Thus, a “relativist view of a given type of outlook can be understood as saying that for such outlooks it is only in real confrontations that the language of appraisal —good, bad, right, wrong, and so on— can be applied to them. In notional confrontations, this kind of appraisal is seen as inappropriate, and no judgments are made. When relativism is rejected for a given area, this does not mean that there are no notional confrontations.”⁵⁵

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid. “A real confrontation between two divergent outlooks occurs at a given time if there is a group of people for whom each of the outlooks is a real option. A notional confrontation, by contrast, occurs when some people know about two divergent outlooks, but at least one of those outlooks does not present a real option”.

⁵⁵ Ibid 162: “The confrontation between phlogiston theory and any contemporary theory of combustion is without doubt notional, and phlogiston theory is not now a real option; but on the non-relativist view of such theories there is something to be said in appraisal of phlogiston theory, that it is false. It is not merely that to try to live the life of a convinced phlogiston theorist in contemporary academia is as incoherent an enterprise as trying to live the life of a Teutonic Knight in 1930's Nuremberg. Phlogiston theory is not a real option because it cannot be squared with a lot that we know to be true”.

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Williams calls this kind of relativism the *relativism of distance*.⁵⁶ There is room for it in a *reflective ethical outlook*. This kind of relativism is connected to ethical outlooks rather than particular practices, and it is to large-scale systems or bodies of beliefs and attitudes that it has to be applied. The relativistic suspension of ethical judgment attached to this kind of relativism requires conceiving the society in question as a whole.

Furthermore, “there are some ethical concepts that we can apply to people and their actions —virtue and vice concepts, for instance— even when the outlook of the society in which they lived is not in real confrontation with ours. This involves taking the people in abstraction from the social practices in which they lived, and so, often, we do not see them realistically”.⁵⁷ Williams calls our attention to the fact that thoughts about the past and the future raise different problems because we are caused by the one and cause the other. Moreover, the past and our understanding of it are specially related to the *reflectiveness* that starts off these problems.

Williams notices that the growth of reflective consciousness has not been always positive. The phenomenon of self-consciousness, together with the institutions and processes that support it, constitute one reason why past forms of life are not a real option for the present.⁵⁸

How does reflection relate to our contemporary sense of justice? As he puts it: “Were the past societies unjust? In being less reflective and self-conscious than modern society, what was it that these societies did not know? Williams states that it is tempting to say that they did not know of alternatives to their social arrangements and thought that their social order was necessary. This is so because we see our view of our society and ourselves as more naturalistic than their view of themselves.”⁵⁹

⁵⁶ Ibid: “The distance that makes confrontation notional, and makes this relativism possible, can lie in various directions. Sometimes it is a matter of what is elsewhere, and the relativism is applied to the exotic. It is naturally applied to the more distant past”.

⁵⁷ Ibid.

⁵⁸ Ibid 164.

⁵⁹ Ibid 165: “This naturalistic conception of society, expressed by Hobbes and Spinoza at the beginning of the modern world, represents one of the ways in which

This idea plays an important role on our ideas of justice since “the legitimations of hierarchy offered in past societies, and the ways in which we now see them, are relevant to what we say about the justice or injustice of those societies”. *This is important for the relativism of distance*. “Just” and “unjust” are central terms that can be applied to societies as a whole, and in principle, at least, they can be applied to societies concretely and realistically conceived.⁶⁰ In this sense, one can defend a relativistic view of justice.⁶¹

Williams summarizes his ideas in the following way:

It may be that considerations of justice are a central element of ethical thought that transcends the relativism of distance. Perhaps this, too, comes from a feature of the modern world. We have various conceptions of social justice, with different political consequences; each has comprehensible roots in the past and in our sentiments. Since we know that we do not accept their past legitimations, but otherwise are not sure how to read them, we are disposed to see past conceptions of justice as embodiments of ideas that still have a claim on modern people. To this extent, we see them as in real confrontation with each other and with modern ideas.⁶²

For this reason, Hurd's argument for the impossibility of deriving real options from conflicting views is not convincing.

Finally, it is important to settle the role of reflection itself and its relations to ethical knowledge. Williams says that, in a way, reflection might destroy knowledge, because thick ethical concepts that were used in a less reflective state might be driven from use by reflection, while the more abstract and general ethical thoughts that

the world has become *entzaubert*, in Max Weber's famous phrase: the magic has gone from it”.

⁶⁰ Ibid: “Moreover, an assessment in terms of justice can, more obviously than others, be conducted without involving the unhelpful question of whether anyone was to blame. The combination of these features makes social justice a special case in relation to relativism. Justice and injustice are certainly ethical notions and arguably can be applied to past societies as a whole, even when we understand a good deal about them”.

⁶¹ Ibid 166.

⁶² Ibid 167.

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would probably take their place would not satisfy the conditions of propositional knowledge.

However, this does not imply that particular beliefs that once were true now cease to be true. On the contrary, what it means is that these people once had beliefs of a certain kind, which were in many cases pieces of knowledge. However, “because after reflection they can no longer use concepts essential to those beliefs, they can no longer form beliefs of that kind”.⁶³ This means that a certain kind of knowledge with regard to particular situations, which used to guide them round their social world and helped to form it, is no longer available to them. In this sense, knowledge is destroyed because a potentiality for a certain kind of knowledge has been destroyed.

Finally, for Williams “ethical knowledge, though there is such a thing, is not necessarily the best ethical state”.⁶⁴ It is necessary to remember that, “in the process of losing ethical knowledge, we may gain knowledge of other kinds, about human nature, history, what the world is actually like. In other words, we can gain knowledge about, or around, the ethical”.⁶⁵

Moreover, this is not merely another name for the knowledge we shall have lost. Above all, it is not related in the same way to conviction. One reason why conservatives and traditionalists attack reflection is that they fear the uncertainty that seems to follow from it, the situation in which the best lack all conviction. The result they fear is something to be feared, and they are right to detest a certain liberal posture that makes a virtue out of uncertainty itself and, in place of conviction, enjoys the satisfactions —the equally intellectualist satisfactions— of a refined indecision. But those traditionalists and those liberals share the error of thinking that what conviction in ethical life has to be is knowledge, that it must be a mode of certainty.

Williams asks what conviction is if it is not to identified with knowledge or certainty. For him, there are those who reject the account of it as certainty but replace this account with another that

⁶³ Ibid.

⁶⁴ Ibid 168.

⁶⁵ Ibid.

is no more sound and rather less plausible. They believe that besides the intellect there can only be the will. Thus, they think that the source of ethical conviction must be a decision, to adopt certain moral principles or to live in one way rather than another. However, this cannot be right "because ethical conviction, like any other form of being convinced, must have some aspect of passivity to it, must in some sense come to you. Some decisions can seem like that, but this is because they are particularly compelling decisions".⁶⁶ Besides, "you could not have an ethical conviction and be conscious that it was the product of a decision, unless that decision itself appeared inescapable. But then this is what would need to be explained".⁶⁷

However, for him, neither the decision model nor the certainty model looks very helpful in face of actual lack of ethical conviction. Some people argue in favor of the certainty model by saying that we need ethical conviction and that only knowledge can bring it. This position is also flawed since it ignores the obvious fact that no amount of faith in cognitive certainty will actually bring about ethical conviction if we cannot agree on what we are supposed to be certain about.⁶⁸

As a conclusion we need a third conception based on *confidence*. It is basically a social phenomenon because it is a social and psychological question what kinds of institutions, upbringing, and public discourse help to foster it. *Ethical confidence* is a question of social explanation. However, this does not mean that it has nothing to do with rational argument. Social states can be affected by rational argument. In this sense, "confidence is both a social state and related to discussion, theorizing, and reflection; correspondingly, these activities are themselves forms of practice, which take up social space, just as in the individual they take up psychological space".⁶⁹

For Williams, we are led to forget that fact by a series of intellectualist conceptions such as Hurd's. We forget that "our fundamental aim must be to arrive at the answers to ethical questions; that the

⁶⁶ Ibid 169.

⁶⁷ Ibid.

⁶⁸ Ibid 170.

⁶⁹ Ibid 171.

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way to do this must be to pay as much attention as possible to reasons bearing on those questions; and that the demands of practice limiting those activities are simply that, a practical limitation".⁷⁰ The truth, for Williams, is that the basic question is how to live and what to do and ethical considerations are relevant to this.

IV. CONCLUSION

Hurd's book is probably correct if we accept *morality* in the way she does. However, should not she argue against the kind of arguments made by Williams about the limits of philosophy in ethical thought and, more precisely, the philosophical mistake of taking *morality* (this specific moral system) as the unique standard of moral attitude?

In assuming *morality*, Hurd rejects a kind of relativism which is not the one really defended by Williams, but rather a kind of relativism that is precisely the one targeted by him. In other words, she transforms Williams's relativism (relativism of distance) into a kind of relativism that was usually argued internally (and unsuccessfully) to morality, a system of thought which carries lots of assumptions he was trying to criticize.

The *relativism of distance* does not produce, as a result, a situation of absolute passivity (although acknowledges some kind of non-objectivity). This is because reflection is but one dimension of the ethical attitude. If Williams is right, under his terms, his argument would not be so devastating to Hurd's central argument. Since the relativism of distance does not implies the kind of relativism that she was fighting. Besides, in this fight, Williams could even be considered a partial ally.

In my view, Williams' argument implies the abandonment of the correspondence thesis as it is conceived and conceptualized by modern *morality*. However, its abandonment does not imply that appraisal relativism has nothing to say or affect to moral dilemmas and ethical attitudes.

⁷⁰ Ibid.

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